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10/047,849	01/15/2002	Gerod C. Melton	10013834-1	5651

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EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,849	MELTON, GEROD C.	
	Examiner	Art Unit	
	Heather R. Jones	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 5, 2005 have been fully considered but they are not persuasive.

The Applicant argues on Page 4, lines 17-19 that Brais et al. does not disclose "edit tags being selected from said edit tag library and specifying edit operations to be performed on the said digital video data" as claimed in claim 1. The Examiner respectfully disagrees. Brais et al. discloses in Fig. 10 and col. 11, lines 58-67 commands for specifying edit operations to be performed on the digital video data all of which takes place during editing mode, for example, commands for erasing, moving, and altering the format of an image.

The Applicant argues on Page 4, lines 20-22 that Nomura et al. does not disclose edit tags being in the same file as image data and that the edit tags disclosed by Nomura are related to playback and not specifying edit operations as claimed in claim 1. The Examiner respectfully disagrees. Brais et al discloses the edit operations as claimed in claim 1. Nomura was cited in order to disclose the teaching of embedding the edit tags into the video segments, which is disclosed in Fig. 4A and col. 8, lines 37-38. Furthermore, the edit tags disclosed in claim 1 does not specify when the editing is done; therefore it would either be in the edit mode or in the playback mode.

The other arguments presented by the Applicant are all based on the argument that the cited references do not disclose edit tags as claimed in claim

1. As can be seen above the cited references do disclose the edit tags as claimed in claim 1. Therefore, the other arguments presented are not persuasive since they depend from the arguments concerning the edit tags from claim 1, which have been rebutted.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-11, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. (U.S. Patent 5,995,936) in view of Nomura et al. (U.S. Patent 6,819,394).

Regarding claim **1**, Brais et al. discloses a digital video device (104), comprising: a processor (col. 5, lines 29-32); and a digital random-access memory communicating with the processor (col. 8, line 40-48) and including an edit tag library storing a plurality of edit tags (Fig. 8; col. 8, lines 38-46 – it is inherent that there is an edit tag library in order to store the known commands so that the spoken commands can be compared to them) and a video storage storing digital video data comprising one or more video segments (col. 5, lines 28-29), wherein the edit tags specify edit operations to be performed on the digital video data (col. 10, lines 55-60; col. 11, lines 58-67). However, Brais et al. fails to disclose that the edit tags are embedded into the video segments and that the embedded edit tags were selected from the edit tag library.

Referring to the Nomura et al. reference, Nomura et al. discloses embedding edit tags in the same file as the image data (Fig. 4A; col. 8, lines 37-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have embedded the edit tags into the same file as the image data as disclosed by Nomura et al. in the digital video device (104) as disclosed by Brais et al. in order to allow the user to edit the video at a later time, for example during playback. Also by embedding the edit tags into the video stream the user would only have to send one file as opposed to two to an external source for either playback or editing options. Furthermore, it is inherent that the embedded edit tags were selected from the edit tag library in order for the processor to be able to process the commands.

Regarding claim **2**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the digital video device (104) further comprises a sound transducer (106) receiving sound and generating an audio signal in response (Brais et al.: col. 6, lines 17-18); an audio processor communicating with the processor and the sound transducer (106), the audio processor receiving the audio signal, extracting one or more voice commands from the audio signal, extracting one or more edit tags from the one ore more voice commands, and passing the one or more voice commands and the one or more edit tags to the processor (Brais et al.: Fig. 8; col. 10. lines 38-46).

Regarding claim **3**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the sound transducer (106), the audio processor, and the processor are used to control operations of the digital video device (104) according to the voice commands (Brais et al.: Fig. 8; col. 10, lines 38-46).

Regarding claim **4**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the sound transducer (106), the audio processor, and the processor extract vocalized edit tags and embed the edit tags in the digital video data stored in the video storage (Brais et al.: Fig. 8; col. 10, lines 38-46 – see the explanation for claim 1 for embedding the edit tags).

Regarding claim **5**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the digital video device (104) further comprises a digital image sensor communicating with the processor and capable of generating digital video data, wherein the digital video device (104) comprises a digital video recorder (Brais et al.: col. 1, lines 57-63 – it is inherent that a digital image sensor is included in the embodiment of a digital camera and it is well known that digital cameras video cameras are both image capturing means).

Regarding claim **6**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing the digital video recorder further comprises a user interface (410) capable of

accepting user inputs, including accepting edit tag inputs (Brais et al.: Fig. 4; col. 8, line 15).

Regarding claim **7**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 including that the digital memory further includes a voice command library storing a plurality of voice commands, and wherein a voice sample is compared to the voice command library in order to recognize one or more voice commands from the audio signal (Brais et al.: col. 10, lines 38-46 – it is inherent that there is an edit tag library in order to store the known commands so that the spoken commands can be compared to them).

Regarding claim **8**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 including that the digital memory further includes a label list storage storing all video segment labels of digital video data stored in the video storage (Brais et al.: col. 5, lines 27-32).

Regarding claim **9**, Brais et al. discloses a video edit method for a digital video device (104), comprising the steps of: generating one or more edit tags, wherein the one or more edit tags delineate one or more edit operations to be performed on one or more video segments of the digital video data (col. 10, lines 38-46; col. 11, lines 57-67). However, Brais et al. fails to disclose embedding the one or more edit tags into digital video data stored in a digital memory.

Referring to the Nomura et al. reference, Nomura et al. discloses embedding edit tags in the same file as the image data (Fig. 4A; col. 8, lines 37-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have embedded the edit tags into the same file as the image data as disclosed by Nomura et al. in the digital video device (104) as disclosed by Brais et al. in order to allow the user to edit the video at a later time, for example during playback. Also by embedding the edit tags into the video stream the user would only have to send one file as opposed to two to an external source for either playback or editing options. Furthermore, it is inherent that the embedded edit tags were selected from the edit tag library in order for the processor to be able to process the commands.

Regarding claim **10**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 9 including that the generating and embedding steps occur when the digital video device (104) is in a video record mode (Brais et al.: col. 10, lines 29-50 – in command mode the user can acquire images, edit images, or playback images).

Regarding claim **11**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 9 including that the generating and embedding steps occur when the digital video device (104) is in a video review mode (Brais et al.: col. 10, lines 29-50; col. 11, lines 57-67 – in command mode the user can acquire images, edit images, or playback images).

Regarding claim **15**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 9 as well as disclosing that the method further comprises the steps of: scanning the digital video data for embedded edit tags; and performing an edit operation specified by each found edit tag (Nomura et al.: col. 12, lines 27-35 – once the edit tags are embedded in the same file as the image data the file must be reviewed for edit tags before playback so that the playback is operated properly according to the photographer's desires).

Regarding claim **16**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 including that the scanning and performing steps are iteratively performed for an entire length of the digital video data (it is implicit that the entire length of the digital video data be scanned in order to acquire all the edit tags for that length of digital video data so that the digital video data can be properly edited).

Regarding claim **17**, Brais et al. discloses a video edit method for a digital video device (104), comprising the step of generating one or more edit tags, with the one or more edit tags delineating one or more edit operations to be performed on one or more video segments of the digital video data (col. 10, lines 38-46; col. 11, lines 57-67). However, Brais et al. fails to disclose embedding the one or more edit tags into digital video data stored in a digital memory; scanning the digital video data stored in a digital memory for embedded edit tags; and performing an edit operation specified by each found edit tag.

Referring to the Nomura et al. reference, Nomura et al. discloses embedding edit tags in the same file as the image data (Fig. 4A; col. 8, lines 37-38). Furthermore, Nomura et al. discloses scanning the digital video data stored in a digital memory for embedded edit tags; and performing an edit operation specified by each found edit tag (col. 12, lines 27-35 – once the edit tags are embedded in the same file as the image data the file must be reviewed for edit tags before playback so that the playback is operated properly according to the photographer's desires. Furthermore, it is inherent that the entire length of the digital video data be scanned in order to acquire all the edit tags for that length of digital video data so that the digital video data can be properly edited)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have embedded the edit tags into the same file as the image data as disclosed by Nomura et al. in the digital video device (104) as disclosed by Brais et al. in order to allow the user to edit the video at a later time, for example during playback. Also by embedding the edit tags into the video stream the user would only have to send one file as opposed to two to an external source for either playback or editing options. Furthermore, it is inherent that the embedded edit tags were selected from the edit tag library in order for the processor to be able to process the commands.

Regarding claim **19**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 17 including that the

scanning and performing steps are iteratively performed for an entire length of the digital video data (see explanation for claim 1).

Regarding claim **20**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 including that each of the one or more edit tags corresponds to an editing operation, and at least one of said one or more edit tags corresponds to a delete or move edit operation (Brais et al.: col. 11, lines 63-64).

4. Claims 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. in view of Nomura et al. as applied to claims 9 and 17 above, and further in view of Dwyer et al. (U.S. Patent 6,671,567).

Regarding claims **12** and **18**, Brais et al. in view of Nomura et al. describes the method of claims 9 and 18, but does not teach the methods wherein an embedded edit tag of said one or more edit tags comprises a digital symbol that represents a captured, vocalized edit tag. Dwyer describes a PC with a display (figure 1, item 18), which provides information concerning voice files of the portable recorder to which the user can invoke a request by selecting an icon (or symbol) displayed on the screen that is associated with the voice files (thus representing a vocalized edit tag) (column 8, Lines6-15). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Brais et al. in view of Nomura et al. by providing the embedded edit tag (representing a captured, vocalized edit tag) to include the icon (or symbol) representing information concerning the voice files. One would have been motivated to

combine the captured, vocalized edit tag of Brais et al. in view of Nomura et al. to include the icon (symbol) associated with the voice file information of Dwyer in that it would benefit in the ease of use for the user to comprehend and view the information (Dwyer: column 8, Lines29- 34).

Regarding claim **13**, Brais et al. in view of Nomura et al. describes the method of claim 9, further describing (similar to claim 7) a voice command library storing a plurality of voice command; wherein a voice sample is compared to said voice command library in order to recognize one or more voice commands from said audio signal. Also, while in command mode, the speech is converted into text and the text is then compared with known commands. These known commands comprise that of a list of known commands associated with the voice command library (figure 8) and (column 10, Lines38-46). However, Brais et al. in view of Nomura et al. does not teach an embedded edit tag of said one or more edit tags comprises a digital symbol that represents a captured, vocalized edit tag. Dwyer describes a PC with a display (figure 1, item 18), which provides information concerning voice files of the portable recorder to which the user can invoke a request by selecting an icon (or symbol) displayed on the screen that is associated with the voice files (thus representing a vocalized edit tag) (column 8, Lines6-15). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Brais et al. in view of Nomura et al. by providing the embedded edit tag (representing a captured, vocalized edit tag) to include the icon (or symbol) representing information concerning the voice files. One would

have been motivated to combine the captured, vocalized edit tag of Brais et al. in view of Nomura et al. to include the icon (symbol) associated with the voice file information of Dwyer in that it would benefit in the ease of use for the user to comprehend and view the information (Dwyer: column 8, Lines29-34).

Regarding claim **14**, Brais et al. in view of Nomura et al. further describes the method of claim 13 as including the step of employing a recognized voice command to control an operation of said digital video device (104). Specifically, Brais et al. in view of Nomura et al. describes a command mode in which spoken commands of the operator are converted into commands for control of the computer operations (figure 1, item 102), which in turn is used as a means for controlling the camera (figure 1, item 104) (column 6, lines 10-13).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Jones
Examiner
Art Unit 2616

HRJ
February 13, 2006

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